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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

BEFORE:

THE HON'BLE MR.JUSTICE M.F.SALDANHA

W. P. NO. 16283 / 1996

BETWEEN:

M.P.Nagaraj

S/o,late Patel Huchappa,
aged about 35 years,
R/o.Malenahalli village,
Shetty halli Post,
Shimoga.

... PETITIONER

(By Sri M.R.Rajagopal, Advocate.,)

A N D:

1. The State of Karnataka
by its Secretary,
Department of Revenue,
Vidhana Soudha,
Bangalore-1.
2. The Land Tribunal by its
Secretary and Special Tahsildar,
Shimoga Taluka,
Shimoga Dist.
3. Akshobha Thirtha Math by its
Wahivatdar,
Shri Kudli Samathana Math Kudli,
Shimoga Taluka, Shimoga Dist. ... RESPONDENTS

(By Sri S.V.Jagannath, Addl.Govt.Adv.,for R1 & R2.,)

Writ Petition filed under Articles 226 and 227
of the Constitution of India, praying to quash the
order dated 10-5-93 vide Annexure-G by R2 etc.,

This petition coming on for orders this day,
the Court made the following:-


ORDER

S

O R D E R

Mr. Rajagopal, learned Advocate who represents the petitioner points out to me that he has come against an order which is effectively one of dismissal for default. The petitioner is a poor agriculturist and despite efforts, it has not been possible to serve R-3 so far. The matter has been pending only for this reason. In any event, the proceedings will have to be restored and the parties will be heard on merits by the Tribunal.

2. Having regard to this position, I see no reason why the proceeding should be kept pending here. The impugned order is set-aside. The petitioner or his representative is directed to remain present before the Tribunal on 3-8-98 and if the Tribunal is not sitting on that date, the Tahsildar will inform the parties as to when they should remain present. Notice shall be issued to the R-3 and after hearing the parties, the matter shall be disposed of on

merits 

merits. I have heard the learned Govt.
Advocate ^{merits on} on behalf of R-1 and 2. The
Petition succeeds and stands disposed of.
No order as to costs.

Sd/-
JUDGE

MSU/*260698

